

ASSEMBLY BILL

No. 1246

Introduced by Assembly Member Blakeslee

February 23, 2007

An act to amend Section 65965 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1246, as introduced, Blakeslee. Land use: natural resources.

Existing law allows a state or local public agency to authorize a nonprofit organization to hold title to, and manage an interest in, real property that the state or local public agency requires a property owner to transfer to the agency to mitigate any adverse impact upon natural resources caused by permitting the development of a project or facility, provided the nonprofit organization meets certain requirements.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65965 of the Government Code is
2 amended to read:
3 65965. (a) For *the* purposes of this section, the following
4 definitions apply:
5 (1) “Direct protection” means the protection and preservation
6 of natural lands or resources, including, but not limited to,

1 agricultural lands, wildlife habitat, wetlands, endangered species
2 habitat, open-space areas, or outdoor recreational areas.

3 (2) “Stewardship” encompasses the range of activities involved
4 in controlling, monitoring, and managing for conservation purposes
5 a property, or a conservation or open-space easement, as defined
6 by the terms of the easement, and its attendant resources.

7 (b) Notwithstanding any other provision of law *to the contrary*,
8 if a state or local public agency requires a property owner to
9 transfer to the agency an interest in real property to mitigate any
10 adverse impact upon natural resources caused by permitting the
11 development of a project or facility, the state or local public agency
12 may authorize a nonprofit organization to hold title to and manage
13 that interest in real property, provided that the nonprofit
14 organization is all of the following:

15 (1) Exempt from taxation as an organization described in Section
16 501(c)(3) of the Internal Revenue Code, and qualified to do
17 business in the state.

18 (2) A “qualified organization” as defined in Section 170(h)(3)
19 of the Internal Revenue Code.

20 (3) An organization that has as its principal purpose and activity
21 the direct protection or stewardship of natural land or resources,
22 or cultural or historic resources, including, but not limited to,
23 agricultural lands, wildlife habitat, wetlands, endangered species
24 habitat, open-space areas, and outdoor recreational areas.

25 (c) The recorded instrument that places title with a nonprofit
26 organization pursuant to subdivision (b) shall include, at a
27 minimum, a provision that if the state or local public agency that
28 authorized the nonprofit organization to hold the title, or its
29 successor agency, determines that the interest in real property that
30 is held by the nonprofit organization is not being held, monitored,
31 or managed for conservation purposes in the manner specified in
32 that instrument or in the mitigation agreement between the state
33 or local public agency and the nonprofit organization, the interest
34 in real property shall revert to the state or that local public agency,
35 or to another public agency or nonprofit organization qualified
36 pursuant to subdivision (b), approved by the state or local public
37 agency.

38 (d) A state or local public agency shall exercise due diligence
39 in reviewing the qualifications of a nonprofit organization to
40 effectively manage and steward natural land or resources. The

- 1 state or local public agency may adopt guidelines to assist the
- 2 agency in that review process.

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